

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHNNY DEWAYNE AARON, et al.,

Plaintiffs,

v.

TONY MOULATSIOTIS, et al.,

Defendants.

Case No. 1:19-cv-91

HON. JANET T. NEFF

OPINION AND ORDER

Plaintiffs, proceeding pro se, initiated this action pursuant to 42 U.S.C. § 1983. Plaintiffs filed a Motion for Voluntary Dismissal, and Defendant Karnitz, the remaining defendant in this case, filed a Motion for Judgment on the Pleadings. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending this Court deny Plaintiffs' motion, grant Defendant's motion, and terminate this matter. The matter is presently before the Court on Plaintiffs' objections to the Report and Recommendation. Defendant filed a response and Plaintiffs, albeit without seeking or obtaining leave from the Court, filed two replies. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

Plaintiffs challenge the Magistrate Judge's determination that they had no reasonable expectation of privacy in the subject property (Pls. Obj., ECF No. 72 at PageID.523; Pls. Reply, ECF No. 76 at PageID.541). Specifically, the Magistrate Judge determined that Plaintiffs'

ownership interest had been extinguished due to Plaintiffs' failure to satisfy their delinquent tax obligations (R&R, ECF No. 71 at PageID.520). In support of a contrary conclusion, Plaintiffs attempt to apply principles from Michigan landlord-tenant law, arguing that while tenants do not own property, they still have lawful control over it until a court order has been issued (ECF No. 72 at PageID.523). However, landlord-tenant laws are not applicable in this case: the County and Plaintiffs are not in a landlord-tenant relationship. Accordingly, Plaintiffs' objection is properly denied.

Within their objection and replies (ECF Nos. 72, 76 & 78), Plaintiffs also supply a myriad of other alleged facts and unfounded conclusions. However, as Defendant Karnitz points out in his response, none rise to a level "to demonstrate any flaw in the analysis and reasoning of the Magistrate Judge" (ECF No. 74 at PageID.533). Additionally, the Magistrate Judge's recommended denial of Plaintiffs' Motion for Voluntary Dismissal (ECF No. 48) remains uncontested.

Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. Because this Opinion and Order resolves the last pending claim in this case, this Court will also enter a Judgment consistent with this Opinion and Order. *See* FED. R. CIV. P. 58. Therefore:

IT IS HEREBY ORDERED that Plaintiffs' Objections (ECF No. 72) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 71) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendant's Motion for Judgment on the Pleadings (ECF No. 52) is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Voluntary Dismissal (ECF No. 48) is DENIED.

Dated: March 9, 2020

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge